



OKLAHOMA

State Courts Network

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IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA

JOHNY D CRABTREE,
Plaintiff,

v.

JAN X RAY SERVICES INC,
Defendant, and
ONEOK INC,
Defendant.

No. CJ-2017-1782

(Civil relief more than \$10,000: DISCRIMINATION)

Filed: 05/08/2017

Judge: Morrissey, Linda G.

PARTIES

CRABTREE, JOHNY D, Plaintiff
JAN X RAY SERVICES INC, Defendant
ONEOK INC, Defendant

ATTORNEYS

Attorney

SMOLEN, DANIEL E (Bar #19943)
701 S. CINCINNATI
TULSA, OK 74119

Represented Parties

CRABTREE, JOHNY D

EVENTS

None

ISSUES

For cases filed before 1/1/2000, ancillary issues may not appear except in the docket.

Issue # 1. Issue: DISCRIMINATION (DISCRIM)
Filed By: CRABTREE, JOHNY D
Filed Date: 05/08/2017

Party Name

Disposition Information





Defendant:

JAN X RAY SERVICES INC



Party Name**Disposition Information****Defendant:** ONEOK INC**DOCKET**

| Date | Code | Description | Count | Party | Amount |
|-------------|-------------|--|--------------|--------------|---------------|
| 05-08-2017 | TEXT | CIVIL RELIEF MORE THAN \$10,000 INITIAL FILING. | 1 | | |
| 05-08-2017 | DISCRIM | DISCRIMINATION | | | |
| 05-08-2017 | DMFE | DISPUTE MEDIATION FEE | | | \$ 7.00 |
| 05-08-2017 | PFE1 | PETITION Document Available (#1036826349)  TIFF  PDF | | | \$ 163.00 |
| 05-08-2017 | PFE7 | LAW LIBRARY FEE | | | \$ 6.00 |
| 05-08-2017 | OCISR | OKLAHOMA COURT INFORMATION SYSTEM REVOLVING FUND | | | \$ 25.00 |
| 05-08-2017 | OCJC | OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND | | | \$ 1.50 |
| 05-08-2017 | OCASA | OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES | | | \$ 5.00 |
| 05-08-2017 | SSFCHSCPC | SHERIFF'S SERVICE FEE FOR COURTHOUSE SECURITY PER BOARD OF COUNTY COMMISSIONER | | | \$ 10.00 |
| 05-08-2017 | CCADMINCSF | COURT CLERK ADMINISTRATIVE FEE ON COURTHOUSE SECURITY PER BOARD OF COUNTY COMMISSIONER | | | \$ 1.00 |
| 05-08-2017 | CCADMIN0155 | COURT CLERK ADMINISTRATIVE FEE ON \$1.55 COLLECTION | | | \$ 0.16 |
| 05-08-2017 | SJFIS | STATE JUDICIAL REVOLVING FUND - INTERPRETER AND TRANSLATOR SERVICES | | | \$ 0.45 |
| 05-08-2017 | DCADMIN155 | DISTRICT COURT ADMINISTRATIVE FEE ON \$1.55 COLLECTIONS | | | \$ 0.25 |
| 05-08-2017 | DCADMIN05 | DISTRICT COURT ADMINISTRATIVE FEE ON \$5 COLLECTIONS | | | \$ 0.75 |
| 05-08-2017 | DCADMINCSF | DISTRICT COURT ADMINISTRATIVE FEE ON COURTHOUSE SECURITY PER BOARD OF COUNTY COMMISSIONER | | | \$ 1.50 |
| 05-08-2017 | CCADMIN04 | COURT CLERK ADMINISTRATIVE FEE ON COLLECTIONS | | | \$ 0.50 |
| 05-08-2017 | LTF | LENGTHY TRIAL FUND | | | \$ 10.00 |
| 05-08-2017 | SMF | SUMMONS FEE (CLERKS FEE)-2 | | | \$ 20.00 |
| 05-08-2017 | SMIMA | SUMMONS ISSUED - MAILED BY ATTORNEY | | | |
| 05-08-2017 | TEXT | OCIS HAS AUTOMATICALLY ASSIGNED JUDGE MORRISSEY, LINDA G. TO THIS CASE. | | | |

| Date | Code | Description | Count | Party | Amount |
|------------|---------|--|-------|---------------------------------|--------|
| 05-08-2017 | ACCOUNT | RECEIPT # 2017-3557012 ON 05/08/2017. PAYOR: SMOLEN SMOLEN & ROYTMAN PLLC TOTAL AMOUNT PAID: \$ 252.14. LINE ITEMS: CJ-2017-1782: \$183.00 ON AC01 CLERK FEES. CJ-2017-1782: \$6.00 ON AC23 LAW LIBRARY FEE CIVIL AND CRIMINAL. CJ-2017-1782: \$1.66 ON AC31 COURT CLERK REVOLVING FUND. CJ-2017-1782: \$5.00 ON AC58 OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES. CJ-2017-1782: \$1.55 ON AC59 COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND. CJ-2017-1782: \$7.00 ON AC64 DISPUTE MEDIATION FEES CIVIL ONLY. CJ-2017-1782: \$0.45 ON AC65 STATE JUDICIAL REVOLVING FUND, INTERPRETER SVCS. CJ-2017-1782: \$2.48 ON AC67 DISTRICT COURT REVOLVING FUND. CJ-2017-1782: \$25.00 ON AC79 OCIS REVOLVING FUND. CJ-2017-1782: \$10.00 ON AC81 LENGTHY TRIAL FUND. CJ-2017-1782: \$10.00 ON AC88 SHERIFF'S SERVICE FEE FOR COURT HOUSE SECURITY. | | | |
| 05-19-2017 | S | PARTY HAS BEEN SUCCESSFULLY SERVED. / FOR ONEOK INC / BY CERT MAIL / SIGNED ADELIA UHACK / 5-1-5-17 Document Available (#1036948380)  TIFF  PDF | | ONEOK INC | |
| 05-19-2017 | S | PARTY HAS BEEN SUCCESSFULLY SERVED. FOR JAN X- RAY SERVICES INC / BY CERT MAIL / SIGNED ADELIA UHACK / ON 5-15-17 Document Available (#1036948376)  TIFF  PDF | | JAN X RAY SERVICES INC | |



IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

DISTRICT COURT
FILED

MAY - 8 2017

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

(1) JOHNY D. CRABTREE,

Plaintiff,

vs.

(1) JAN X-RAY SERVICES, INC.,
a foreign for profit company,
(2) ONEOK, INC. , a domestic for profit
company,

Defendant.

LINDA G. MORRISSEY

CASE NO.

CJ-2017-01782

ATTORNEY LIEN CLAIMED

JURY TRIAL DEMANDED

PETITION

COMES NOW the Plaintiff, Johny Crabtree, through his attorney of record, Daniel E. Smolen, of SMOLEN, SMOLEN AND ROYTMAN, PLLC, and brings this action against Defendants, JAN X-ray Services, Inc. ("JANX") and ONEOK, Inc. ("ONEOK") for violations of his constitutional protected rights arising out of his employment and termination by said Defendant.

PARTIES, JURISDICTION AND VENUE

1. This is an action for damages and to secure protection of and to redress deprivation of rights secured by the Age Discrimination in Employment Act of 1967 as amended by 29 U.S.C. 621 et seq. (Hereinafter "ADEA"), as well as the Oklahoma Anti-Discrimination Act (Hereinafter "OADA").

2. Plaintiff, Johny D. Crabtree, is a resident of Okmulgee County, Oklahoma.

3. Defendant JANX, is a foreign for profit company that regularly conducts business in Oklahoma and regularly employees more than fifteen (15) people.

2017-05-11 10:55

4. Defendant ONEOK, is a foreign for profit company that regularly conducts business in Oklahoma, is headquartered in Tulsa County, Oklahoma, and employs more than fifteen (15) people.

5. Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunity Commission ("EEOC") complaining about discrimination based on age. A Notice of Right to Sue was received by Plaintiff and this petition has been filed within ninety (90) days of receipt of said notice. As such all conditions precedent to the filing of this lawsuit are fulfilled.

6. This Court has jurisdiction and venue is proper in Tulsa County, State of Oklahoma.

7. Plaintiff brings this action for damages under the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621, et seq. ("ADEA"), providing for relief against discrimination in employment based on age.

8. Liquidated damages are sought pursuant to 29 U.S.C.A. § 626(b).

9. Cost and attorney's fees may be awarded pursuant to 29 U.S.C.A. § 626.

FACTS COMMON TO ALL CLAIMS

10. The preceding paragraphs are incorporated herein by reference.

11. Plaintiff worked as a radiographer, x-raying pipelines, for 21 years. He was certified for Level II Testing of pipelines.

12. Plaintiff began working jobs for JANX around 2010.

13. On or about March 21, 2016, Defendants placed Plaintiff on a job for Defendant ONEOK in Texas as a Radiographer Level II. Plaintiff was sixty (60) years old at that time.

14. Due to the wind, the conditions at the site in Texas were extremely dusty, causing problems with the X-ray equipment Plaintiff and others were using to scan the pipes for cracks.

While the welders were sometimes not able to work in those conditions, the Defendants insisted Plaintiff and others continue X-raying in these conditions. Defendant JANX had technicians out working on repairing equipment several times during this period.

15. On or around April 13, 2016, the unit to which Plaintiff was assigned was not working correctly. Defendant JANX knew about the situation and was waiting on parts and a technician to come out and repair Plaintiff's unit, but in the meantime Plaintiff was expected to keep scanning.

16. On the same day, Plaintiff scanned a section of pipeline that he rejected for a defect in the weld, known as "ESI-Slag." Neither Plaintiff, nor the auditor Jeremy Lake, saw a crack on the pipe. Unbeknownst to them, the equipment malfunction had caused Plaintiff's unit not to show the entire section being inspected.

17. The following day, the weld was repaired and another X-ray unit scanned the repair, which revealed a crack.

18. Plaintiff worked the next two days, April 14th and April 15th, 2016 without incident.

19. Then on April 17, 2016, Steve Wright, the ONEOK project manager wrongfully discharged Plaintiff for missing the crack. However, Jeremy Lake, a much younger auditor who signed off on the same scan, was not discharged.

20. Defendants JANX and ONEOK discriminated against Plaintiff, treated him disparately compared to a similarly situated and substantially younger coworker, and wrongfully discharged him based on his age.

CLAIM FOR RELIEF

**Disparate Treatment and Termination on the Basis of Age in Violation of the Age
Discrimination in Employment Act of 1967 (29 U.S.C. 621 *et seq.*) and the Oklahoma Anti-
Discrimination Act (25 Okla. Stat. § 1302)**

21. The preceding paragraphs are incorporated herein by reference.
22. The foregoing conduct violates the ADEA of 1967 as amended, 29 U.S.C. § 621 *et seq.* and the Oklahoma Anti-Discrimination Act (OADA) 25 Okl.St.Ann. § 1302
23. Plaintiff experienced disparate treatment compared to co-workers under the age of forty (40) with regard to discipline and termination in violation of the ADEA and the OADA.
24. Defendants' willful discriminatory practices have resulted in the loss of past and future wages and other job benefits.
25. Defendants committed the acts alleged with malice or reckless indifference to the protected rights of the Plaintiff. Plaintiff is thus entitled to recover punitive damages in an amount to be determined by a jury.
26. Upon information and belief, Plaintiff's termination was motivated in substantial part by his age, in violation of the ADEA and the OADA.

WHEREFORE, Plaintiff prays for judgment against Defendants for:

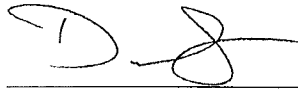
- a) Back pay and lost benefits; front pay until normal retirement;
- b) Liquidated damages for the willful intentional and knowing acts of discrimination committed by Defendants;
- c) Plaintiff's attorney fees and the costs and expenses of this action;
- d) Such other relief as the Court deems just and equitable.

WHEREFORE, based on the foregoing, the Plaintiff prays that this Court grant him the relief sought including, but not limited to, actual damages in excess of Seventy-Five Thousand Dollars (\$75,000), with interest accruing from date of filing of suit, liquidated damages in excess

of Seventy-Five Thousand Dollars (\$75,000), back pay and lost benefits as well as front pay until normal retirement, reasonable attorney fees and costs, and all other relief deemed appropriate by this Court.

Respectfully submitted,

SMOLEN, SMOLEN & ROYTMAN, PLLC

A handwritten signature in black ink, appearing to be 'D. Smolen', written over a horizontal line.

Daniel E. Smolen, OBA #19943
Lauren G. Lambright, OBA #22300
701 S. Cincinnati Avenue
Tulsa, OK 74119
(918) 585-2667
(918) 585-2669 Fax

Attorneys for Plaintiff



IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

DISTRICT COURT
FILED

MAY 19 2017

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

(1) JOHNY D. CRABTREE,

Plaintiff,

vs.

(1) JAN X-RAY SERVICES, INC.,
a foreign for profit company,
(2) ONEOK, INC. , a domestic for profit
company,

Defendant.

CJ-2017-01782
CASE NO.

ATTORNEY LIEN CLAIMED

JURY TRIAL DEMANDED

LINDA G. MORRISSEY

ORIGINAL SUMMONS

SERVE BY U.S. CERTIFIED MAIL, RETURN RECEIPT REQUESTED

ONEOK, Inc.
c/o National Registered Agents, Inc.
1833 S Morgan Rd.
Oklahoma City, OK 73128

To the above-named Defendant(s)

You have been sued by the above named plaintiff(s), and you are directed to file a written answer to the attached petition and order in the court at the above address within twenty (20) days after service of this summons upon you exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the plaintiff. Unless you answer the petition within the time stated judgment will be rendered against you with costs of the action.

Issued this 8 day of 5, 2017

County Court Clerk

By

Deputy Court Clerk

(Seal)

This summons and order was served on

(Signature of person serving summons)

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER
CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE

2017 MAY 19 PM 4:12

[Handwritten signature]

CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THIS SUMMONS.

Return ORIGINAL for filing.

PERSONAL SERVICE

I certify that I received the foregoing Summons the _____ day of _____, 2017, and that I delivered a copy of said Summons with a copy of the Petition to the following named defendant personally in _____ County, _____ at the address and on the date set forth opposite each name, to-wit:

Name of Defendant

Address

Date of Service

USUAL PLACE OF RESIDENCE

I certify that I received the foregoing Summons on the _____ day of _____, 2017, and that on _____, I served _____ by leaving a copy of said summons with a copy of the attached Petition at _____, which is his/her dwelling house or usual place of abode, with _____, a person then residing therein, who is fifteen (15) years of age or older.

Received persons of

Fee for service

Total \$

Dated this

I, _____
Summons
affidavit s

SENDER: COMPLETE THIS SECTION

☒ Complete items 1, 2, and 3.
☒ Print your name and address on the reverse so that we can return the card to you.
☒ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ONEOK, Inc.
c/o National Registered Agents, Inc.
1833 S Morgan Rd.
Oklahoma City, OK 73128



9590 9402 2370 6249 6288 36

2. Article Number (Transfer from service label)

7016 2710 0000 0838 1181

PS Form 3811, July 2015 PSN 7530-02-000-9053

RECIPIENT: COMPLETE THIS SECTION VERY

A. Signature ☒ Agent ☒ Addressee
X *Adelia Unadue*

B. Received by (Printed Name) *Adelia Unadue* C. Date of Delivery *5/15/2017*

D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type

☐ Adult Signature ☐ Priority Mail Express®
☐ Adult Signature Restricted Delivery ☐ Registered Mail™
☒ Certified Mail® ☐ Registered Mail Restricted Delivery
☐ Certified Mail Restricted Delivery ☐ Return Receipt for Merchandise
☐ Collect on Delivery ☐ Signature Confirmation™
☐ Collect on Delivery Restricted Delivery ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

Subscribed to and sworn to before me this _____ day of _____, 2017.

My Commission Expires: _____

Seal

Notary Public

CERTIFICATE OF SERVICE BY MAIL

I certify that I mailed copies of the foregoing summons with a copy of the Petition to the following named defendant at the address shown by certified mail, addressee only, return receipt requested, on the 12 day of May, 2017, and receipt thereof on the dates shown:

Defendant
Received

Oneok, Inc.

Address Where Served

*1833 S Morgan Rd
OCCO*

Date

5/15/17

Signature of person mailing summons

FILED

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

CJ-2017-01782

JURY TRIAL DEMANDED

LINDA G. MORRISSEY

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER
CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE

2017 MAY 19 PM 4:12
mons)

9

CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE
TIME LIMIT STATED IN THIS SUMMONS.

**Return ORIGINAL for filing.
PERSONAL SERVICE**

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Name of Defendant

Address

Date of Service

USUAL PLACE OF RESIDENCE

I certify that I received the foregoing Summons on the _____ day of _____, 2017, and that on _____, I served _____ by leaving a copy of said summons with a copy of the attached Petition at _____, which is his/her dwelling house or usual place of abode, with _____

| | | |
|--|--|--|
| SENDER: COMPLETE THIS SECTION ■ Complete Items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. Article Addressed to: JAN X-Ray Services, Inc. c/o The Corporation Company 1833 S Morgan Rd. Oklahoma City, OK 73128 9590 9402 2370 6249 6288 29 2. Article Number (Transfer from service label) 7016 2710 0000 0838 1198 PS Form 3811, July 2015 PSN 7530-02-000-9053 | | DELIVERY A. Signature X <i>Adelia Libad</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) Adelia Libad C. Date of Delivery May 15 2017 D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No 3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> All Restricted Delivery <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery Domestic Return Receipt |
|--|--|--|

Subscribed to and sworn to before me this _____ day of _____, 2017.

My Commission Expires: _____

Seal

Notary Public

CERTIFICATE OF SERVICE BY MAIL

I certify that I mailed copies of the foregoing summons with a copy of the Petition to the following named defendant at the address shown by certified mail, addressee only, return receipt requested, on the 12 day of May, 2017, and receipt thereof on the dates shown:

Defendant Jan X-Ray Address Where Served 1833 S Morgan Rd OKC, OK Date 5/15/17
 Received _____
 Signature of person mailing summons _____